



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant	:	Francesca Kuglen	Atty Docket:	K551-003.B
Serial No.	:	10/764,279	Examiner:	Robyn Kieu
Doan				
Filed	:	January 22, 2004	Art Unit:	3732
For	:	STRETCH COMB HAIR RETAINER	Conf. No.:	9690

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This declaration is offered in support of the above-identified patent application.

**RULE 132 DECLARATION OF JOHN CALLANAN (37 CFR 1.132)**

I, John Callanan, declare as follows:

1. I am currently a consultant designer for the Dorfman-Pacific Hat Co., and previously the owner and president of Callanan Millinery. My name is associated with the well known brand names "Callanan Millinery" and "Callanan Resort" for millinery products, which are currently sold and distributed by Dorfman Pacific Hat Co.
2. I have extensive experience in the millinery arts, and in evaluating and selecting materials for use in millinery product design. As a result, I have acquired considerable knowledge pertaining to the properties, selection, and evaluation of a wide variety of textile materials, including materials that would be used in women's headwear. My educational background includes a industrial engineering degree received in 1981 from the Institute of Industrial Engineers, Dublin, Ireland, and graduate millinery course work at the Fashion Institute of Technology in New York City.
3. I have reviewed U.S. Patent No. 1,665,380 issued April 10, 1928 to Louis Ruffio (the "Ruffio patent"), which is titled "Woman's Headdress." The Ruffio patent discloses a woman's headdress having a mesh material that extends between two combs that can be insert into a woman's hair. Tufts of hair are secured to the mesh material to provide an artificial hairpiece. The headdress of Ruffio is intended to be worn by a woman having bobbed, that is, short hair, to give the woman wearing the headdress the appearance of having long hair. In one version, shown in Fig. 4 of Ruffio, a buckle is

added to the narrow portion of the mesh material to allow for adjustment of the size of the headdress. As described on page two of the Ruffio patent, at lines 3-6, this buckle adjustment makes it possible to accommodate a wider range of head sizes than would be possible with the version of the headdress without a buckle.

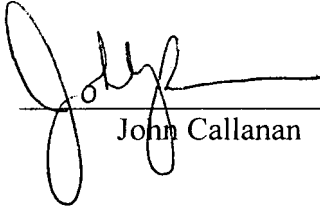
4. While Ruffio states that the woman's hair can be pinned to the mesh of the headdress, there is nothing in Ruffio to suggest pulling her hair through the openings of the mesh. Similarly, Ruffio does not indicate that the hair of the artificial hair tufts, elements 12, are pulled through the mesh. Rather, the artificial tufts of hair are described as being "secured" to the mesh material. (Ruffio, page 1, lines 76-79). Ruffio does not state how this securing is accomplished, but it would appear to be by some means of surface attachment (see Fig. 3), such as bobby pins or gluing or sewing the base of the hair tufts onto the mesh.

5. The mesh material of the Ruffio headdress is described as being "elastic." In particular on page 1, lines 57-59 of the patent, the mesh material, or "body portion 10," is described as being made of a "suitable elastic material, such as elastic woven fabric, or the like material of any well known construction." Ruffio later describes the mesh material as a "course mesh or net-like structure to render the device light in weight and to provide supplementary anchoring means for pinning the hair thereto when forming the coiffure." (Page 1, lines 73-76).

6. It is my belief that, based on a fair reading of the Ruffio patent, the "elastic material" referred to by Ruffio refers to a light-weight mesh, such as crinoline, a well known material long used in the millinery industry. Crinoline and similar materials, such as hair cloth, have a stretchy characteristic, but do not have a high degree of elasticity. In this case the term "elastic" connotes to me that there is enough give in the mesh material to allow the mesh to form over the head. The term "elastic" as used by Ruffio does not indicate to me that the disclosed mesh material can be stretched to any substantial degree beyond the form of the mesh illustrated in the drawings. That this is true is reinforced by the need for a buckle as illustrated in Ruffio's figure 4 to adjust the headdress to different head sizes. A mesh material having a high degree of elasticity would not require such an adjustment buckle.

7. The mesh material disclosed in Ruffio is tightly woven with mesh openings that are relatively small. This, and Ruffio's description of the material as a "woven fabric" and being "light in weight," is consistent with the long used millinery material crinoline. Given the limited stretchiness of such materials, it would not be possible, in my view, to pull any amount of hair through the individual mesh openings of the Ruffio headdress. This would require a much higher degree of elasticity than indicated by Ruffio. Any attempt to stretch the small openings of the Ruffio mesh would simply create a tear in the material. At best, individual hairs could be threaded through the mesh openings, a process that would be a tedious and totally impractical and that would likely damage the hair.

The undersigned declares that all statements of his own knowledge made herein, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements made jeopardize the validity of the above-identified application, or any patent issuing thereon.

  
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John Callanan

Date: 6/7/07